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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,136	09/27/2001	Robert Lee Thompson	T00450/70025 NPF	1815
23628	7590	07/01/2004	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211			BALI, VIKKRAM	
			ART UNIT	PAPER NUMBER
			2623	23

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,136

Applicant(s)

THOMPSON, ROBERT LEE

Examiner

Vikkram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

In response to the amendment filed on 3/18/2004, all the amendments to the claims have been entered and the action follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl et al (US 6317544).

With respect to the claim 1, a computer with the computer program, (see figure 2, Notebook computer); a first input device coupled too the computer receive identifying information of the individual, (see figure 2, color camera); a storage medium communicating with the computer, the storage medium including a database of identifying information of tat least one individuals, (see figure 2, Oracle server, oracle is the data base); a second input device coupled to the computer and adapted to enter remarks, (see figure 2, fingerprint scanner); a transmitter coupled to the computer and transmitting the information to the second location, (see figure 2, cellular telephone or

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the dial up PSTN); a receiver coupled to the computer adapted to receive instruction from the second location instructing an action to either allowing or denying the individual an access, (see figure 2, numerical 40 and 50, and the col. 7, lines 15 through line 51, and the col. 9, lines 8-30 the INS will dictate if the person is allowed or denied); an output device to the computer, (see figure 2 the display portion of the notebook computer) as claimed. However, he fails to explicitly disclose the hand held, and the casing for the hand held, as claimed. But, in the col. 7, lines 52-55, he states that the laptop can be in a carrying case that makes suggests to an ordinary skilled in the art to simply have the computer system as a handheld system in a casing. Therefore, at the time of invention one ordinary skilled in the art can simply use the lap top computer and makes it handheld system for more handiness.

With respect to claim 2, he further discloses, identifying information includes an image, (see col. 8, lines 32-33, an image is taken) as claimed.

With respect to claim 3, he further discloses, the camera for taking the image, (see figure 2, numerical 55) as claimed.

With respect to claim 4, he further discloses, the display to display the image, (see figure 2, numerical 35 the display for the notebook computer) as claimed.

With respect to claim 5, he further discloses, communication link, (see figure 2, numerical 40 and 50) as claimed.

With respect to claim 6, he further discloses, an image recognition software, (see figure 2, fingerprint matcher) as claimed.

With respect to claim 7, he further discloses, image is of face, (see col. 9, lines 8-11, the photo images) as claimed.

With respect to claim 8, its an design choice to construct the camera in concealed location or not, this will depends on the security and thus makes it as an design choice. Therefore, one ordinary skilled in the art at the time of invention can consider the construction of the camera being concealed or not depending upon the nature of the location where the system is to be placed.

With respect to claim 9, he further discloses, the storage medium is housed separately from the casing, (see figure 1, numerical 10, is placed in the remoter location as it requires a communication link to get there) as claimed.

With respect to claim 10, it is well known in the art to use a camera for a video and the still images. Therefore, it will be obvious to one ordinary skilled in the art at the time of invention to use the digital cameras that takes video and still images, thereby giving a choice to use still or moving images.

With respect to claim 11, he further discloses, the camera is coupled to computer and the camera control unit and the camera control unit is in casing and the camera is separate, (see col. 10, lines 25-27) as claimed.

Claims 12-13 and 19-20 are rejected for the same reasons as set forth in the rejection of claims 1-10, because claims 12-13 and 19-20 are claiming the computer software for the method as claimed in claims 1-11.

With respect to claims 17 and 18, Diehl further discloses the wireless connection and the internet transmission, (see figure 2, numerical 40 and 50) as claimed.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl et al (US 6317544) in view of Piosenka et al (US 4993068).

With respect to claim 14-15, Diehl disclose the invention substantially as disclosed and as described above in claim 12. However, he fails to disclose: enter ...audio data regarding the individual; and transmit the audio data, as claimed.

Piosenka discloses an identification system in that he teaches: enter ...audio data regarding the individual; and transmit the audio data, (see figure 2, numerical 34, and 36) as claimed.

It would have been obvious to one ordinary skilled in the art at the time of invention to combine the references, as they are analogous because they are solving same problem of identifying the individuals. Piosenska's teaching of using the voiceprints can be incorporated in to the Diehl's system in order to get more secure system.

Claim 16 is rejected as claim 14, because claim 16 is claiming similar subject matter as claim 14.

Claims 21-64 are rejected for the same reasons as set forth in the rejection of claims 1-20, because claims 21-64 is either the software for the claim limitations in claims 1-20 or are broader claim limitations then the claimed limitations in claims 1-20.

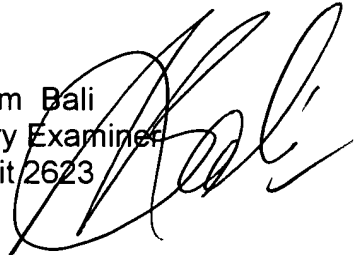
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali
Primary Examiner
Art Unit 2623



vb
June 15, 2004